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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,884

07/21/2003

Rickey D. Hart

INNO-4 CON 8

6383

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03/08/2006

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EXAMINER

THALER, MICHAEL H

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 3731

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Dec. 23, 2005 has been entered.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (2,137,710) in view of Yoon (5,226,426). As to claim 1, Anderson, in figure 4, discloses a device which is inherently capable of grasping thin cord-like objects comprising hollow rigid shaft (the portion of shaft 10 which is distal to flange 26), solid rod (the distal portion of plunger 27), first and second wire-like elements 14, 15, the first wire-like element defining a hook-shaped configuration (as best seen in the embodiment of figure 3), and actuation means comprising a housing (the portion of shaft 10 which is proximal to flange 26), trigger 28 pivotally attached to the housing (at 30) and piston (the proximal portion of plunger 27) which is spring biased by spring 28. Anderson fails to show the distal end of hollow shaft 10 as being pointed. However, Yoon teaches that the distal end of a hollow shaft 32 of a surgical

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instrument should be pointed (at 46), noting col. 5, lines 4-13, apparently in order to obtain the advantage of easily penetrating tissue. It would have been obvious to make the Anderson hollow shaft 10 pointed so that it too would have this advantage. As to claim 2, the distal end of the Anderson shaft 10 is curved (in the circumferential direction) since the cross-section of the shaft 10 is circular. As to claim 4, Anderson fails to disclose the object being grasped by the wire-like elements 14, 15 as being thin and cord-like. However, it is old and well known in this art that thin and cord-like objects (such as sutures and body conduits) are needed to be grasped by surgical forceps in order to manipulate them. It would have been obvious to use the Anderson forceps to grasp thin and cord-like objects for this reason.

Applicant's arguments with respect to claims 1, 2 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571)272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can

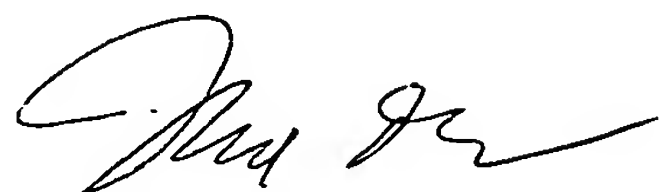
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be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

mht  
3/2/06



MICHAEL THALER  
PRIMARY EXAMINER  
ART UNIT 3731